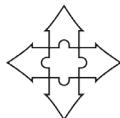


English summary
of Fafo-rapport 2021:15

Irregular assistance
A study of Norwegian cities'
encounter with irregular
migrants



PROGRAM FOR STORBYRETTEDET FORSKNING

Irregular assistance

A study of Norwegian cities' encounter with irregular migrants

In this study, we have investigated those who are living in Norway as irregular migrants, i.e. without legal residence, and the opportunities and restrictions that local authorities are facing in their attempts to influence their situation. National authorities have decided to make it difficult to live in Norway without legal residence, in order to induce as many as possible of those concerned to leave the country voluntarily. This gives rise to a number of social consequences and challenges with regard to the situation of irregular migrants, and these often manifest themselves at the local level. It is therefore especially interesting to study the approaches that local authorities and their staff choose to take in the encounter with these people. We have particularly focused on health services, housing, work and protection against violence, abuse and exploitation. Our study was undertaken in the cities of Oslo, Bergen, Trondheim, Stavanger and Kristiansand.

Studying irregular migrants involves major methodological challenges, especially because persons without legal residence will not necessarily be registered anywhere, and they will often do their best to prevent others from knowing that they are here illegally. Thus, there are no sources that can provide a coherent overview of who they are or of those who come into contact with them. We have therefore used a number of different data sources and approaches to understand the encounter between the cities and the irregular migrants. Our information sources about this encounter include:

- 11 qualitative interviews with persons without legal residence
- 40 qualitative interviews with representatives of different professional groups that may come into contact with irregular migrants
- A survey of various groups of healthcare personnel in the five cities
- Data made available by Statistics Norway, the Norwegian Directorate of Immigration and the National Police Immigration Service
- Statutes and regulations that concern irregular migrants
- Previous research and reports published by organisations that engage with this group

In light of this material we have studied the group of irregular migrants in Norway and the challenges that frontline employees in the public services of the

cities ('street-level bureaucrats') are facing when it comes to irregular migration. Against this background, we discuss the experience that the different cities have gained from their work with irregular migrants and the lessons that can be learned from this experience.

Who are the irregular migrants?

In this report, we show that persons without legal residence are living in all the five cities we have studied. In Oslo in particular, but also in Bergen, Kristiansand, Stavanger and Trondheim there are people who live for shorter or longer periods without a residence permit and without any access to the welfare state's safety net.

It is impossible to state precisely how many people are living in Norway without legal residence, but it is possible to find statistics for sub-groups of this population, such as figures from the immigration authorities for persons in reception centres who have been given a deadline for leaving the country, the Directorate of Immigration's expulsion orders for violations of the Immigration Act, and the National Police Immigration Service's figures for deportations. Statistics on asylum seekers who are living in asylum reception centres, whose applications have been rejected and who have been given a deadline for leaving the country show that this group is shrinking. From 2012 to 2019, the number of persons who are under an expulsion order and living in reception centres fell by 85 per cent – from 4960 to 729.¹ Statistics from the Directorate of Immigration on expulsions show that the group of irregular migrants also includes people who have never applied for asylum in Norway. The statistics on expulsions and deportations are dominated by nationalities other than those found in the statistics on asylum seekers. This is a clear indication that the population of irregular migrants in Norway includes a number of different sub-groups.

In the report, we describe who the irregular migrants in Norway are with the aid of a typology that identifies the main groups as defined by their survival strategies. Based on our own data and previous studies of irregular migrants in Norway, we have identified four main groups that are found in most Norwegian cities, defined in terms of their strategies for survival in Norway:

- The 'visible', who remain in the reception centres are asylum seekers whose applications have been conclusively rejected, but who are entitled to housing and financial support from the Directorate of Immigration.
- The 'dependents', who survive because they know someone with legal residence who can provide for them, such as a boy-/girlfriend, co-habitant or

¹ At the end of 2012, there were 4960 persons with an expulsion order in Norwegian reception centres (Haarberg and Lystrup 2014). By 2019, this number had fallen to 820, and as of December 2020 it had been further reduced to 729 (www.udi.no).

someone with whom they have a sexual relationship, or they live with or are helped by relatives, friends or other networks.

- The ‘workers’, who subsist through illicit work.
- The ‘marginalised’, who subsist by engaging in various forms of crime or prostitution.

In addition, some are ‘in free fall’, which can be regarded as a transitional category. This final group includes those who have not yet developed a survival strategy, but have, for example, recently had their residence permit revoked or lost their main source of subsistence.

These survival strategies are not necessarily mutually exclusive, nor static; people can shift between them or use several of them in parallel. By describing the group of irregular migrants in this way, we seek to highlight the internal diversity in this group. This variation in survival strategies shows that irregular migration raises a wide range of questions and challenges, for national migration policies as well as for the cities where these migrants live.

‘Street-level bureaucrats’ and persons without legal residence

Irregular migrants have very limited entitlements to health and welfare services in Norway, because the main principle in national policy is that they should return home. They have no right to work, very limited entitlements to health care, no entitlement to social or care services, and only those who have applied for asylum are offered housing in reception centres. As a result, surviving as an irregular migrant in Norway is difficult, and it also makes the situation difficult for those who encounter irregular migrants in their line of work. Since no central government policies have been formulated for how to meet the fundamental needs of this group, and since the guidelines require a large degree of discretionary judgement, those on the frontline are left to solve the problems themselves when faced with persons who have no legal residence or rights in the welfare state. The employees on the frontline thereby become the government’s ‘street-level bureaucrats’ (Lipsky 1980).

The experiences of healthcare personnel are to some extent influenced by the fact that in four of the cities, some of the needs for health services for irregulars are covered by specialised service providers that target this group. In Bergen and Oslo, the Red Cross and the Church City Mission operate health centres for undocumented migrants (with some support from the city council), while Kristiansand and Trondheim have municipal health centres linked to asylum reception centres, and these can also provide health services to persons without legal residence. Stavanger has no specialised services for this group. These targeted health services provide primary health care and some specialist health services, but they also have a wider scope; the NGOs are working politically to ensure better access

to public health services, while the refugee health service can provide not only medical assistance, but also practical help and advice to people who have difficulties coping with life in Norway.

The fact that Trondheim and Kristiansand use their authority to design municipal health services that exceed their legal obligations to persons with no legal residence shows that the municipalities have a certain latitude to change conditions (health services for irregular migrants) that are otherwise governed by nationally defined frameworks. For example, municipalities may provide free health care and cover the costs of medication to compensate for the inability of the irregular migrants to join the national insurance system (and thereby to have the costs of medication or treatment covered by the authorities). They can also provide medical resources to compensate for the fact that the irregular migrants have no entitlement to their own GP or to health care for most non-acute diseases or ailments. In Oslo and Bergen, the municipalities provide only financial support, which can be seen as an indirect compensation for these restrictions, even though the work is undertaken by voluntary health personnel. In Stavanger, each employee must decide individually how to handle their encounters with irregular migrants in line with their nationally stipulated rights, since there is no alternative local framework for provision of health care.

In our study, the health personnel are those 'street-level bureaucrats' who to the greatest extent are able work within a local framework to assist irregular migrants. However, health personnel who provide services to irregular migrants over time may perceive this as burdensome, because persons who have no legal residence and few rights present them with complex challenges, including labour intensive referrals and no reimbursement schemes. Furthermore, health personnel may feel that they are left alone with a wealth of difficult problems that they normally would have enlisted other public services to help their patient solve, such as the police or the Norwegian Labour and Welfare Administration.

As regards housing, persons without legal residence have few rights, with the exception of asylum seekers whose application has been conclusively rejected. The central government provides housing in asylum reception centres for persons who have applied for asylum but have been rejected, and asylum reception centres are still in operation in Kristiansand and Trondheim. Those who choose to live in a reception centre receive free housing and a small allowance (basic allowance), and can receive some support for health care. On the other hand, those who live in reception centres cannot hide from the police, and must live with a heightened risk of deportation. Pursuant to the Social Services Act and the National Insurance Act, persons without legal residence are not entitled to social benefits or other individual services encompassed by the Social Services Act, with the exception of information, advice and guidance. For persons who have no legal residence, no place to live and no entitlement to stay in a reception centre, the

cities of Oslo and Bergen have a year-round overnight accommodation service run by NGOs. A similar service is operated in Kristiansand in the winter season. The emergency accommodation options are primarily used by visiting poor EEA citizens, but are occasionally frequented also by non-EU citizens without legal residence. In the cities, there are also examples of ‘street-level bureaucrats’ in the Norwegian Labour and Welfare Administration who have granted access to housing for persons who are, for example, ‘in free fall’ after having moved out from somebody who has provided for them, or for prostitutes who lost their income base at the start of the COVID-19 pandemic. This appears to depend on the discretionary judgement of each ‘street-level bureaucrat regarding the acute needs of the irregular migrant in question.

Children without legal residence

Our survey among health personnel in the five cities shows that healthcare personnel have come across children without legal residence in at least four of the five cities included in our study. With the exception of Stavanger, respondents in the health services in all the cities report to have provided health care to children without legal residence after 1 January 2019. Some of these children live in asylum reception centres, but not all. The cases we have discovered are few in number, but because children are an especially vulnerable group, it is important to learn more about who these children are and the challenges they present to ‘street-level bureaucrats’ who attempt to ensure, for example, appropriate care, schooling and health care for this group.

We do not know how many children are living in Norway as irregular migrants outside reception centres. Although the rights of irregular migrant children are fairly similar to those of other children in Norway, they are indirectly affected by their parents’ legal status, for example when it comes to housing and the family’s economy.

The fact that children have special rights can enable employees in agencies such as the child welfare service to argue that concerns for the child must outweigh other legal aspects, and grant the entire family assistance from public agencies such as the Norwegian Labour and Welfare Administration and the healthcare services. However, overcoming the legal barriers and providing the family with services to which the adults in principle are not entitled may require a special effort by the employee who is faced by the child and the family. As a result, these ‘street-level bureaucrats’ may feel that they are being given a responsibility that goes beyond what they see as their formal mandate in their encounter with families without legal residence.

Work, safety and the absence of good tools

There is little knowledge about the prevalence of unregistered work in Norway. Irregular migrants are not permitted to work, but workplace inspections frequently uncover such employment. Among those who are apprehended by the police for illegal work, many have never been previously registered in Norway as asylum seekers or as immigrants via other legal channels. Irregular migrants are especially vulnerable to exploitation by their employers, and their working conditions can often border on human trafficking for purposes of forced labour. The challenges and experiences of public servants who encounter persons without legal residence who are engaged in unregistered work are characterised by a limited capacity to act. Current legislation and practice leave no incentive for irregular migrants to report employers who exploit them (for example in the form of wage theft). This complicates the work of the Labour Inspection Authority and the police to uncover the use of illegal manpower and exploitation of irregular migrants. The limited opportunities to sanction employers who use illegal manpower represent a further challenge as long as human trafficking is not involved, and the amount of work that can be required to document the scope of illicit work is not proportionate to the size of the fines imposed.

In police work with persons who have no legal residence and commit crimes in Norway, expulsion is the main approach. We do not know exactly how many persons without legal residence are expelled each year because of criminal activity, but the police report that in their work with irregular migrants they prioritise this group. On the other hand, persons without legal residence who are victims of crime are entitled to police protection. Today, no formalised protection against deportation is granted to irregular migrants who wish to report crimes committed against them or others, and police officers therefore need to exercise discretionary judgement, and vice versa: in order to report crimes to the police, persons without legal residence need to trust this discretionary judgement. Cases of human trafficking are an exception, since possible victims of human trafficking can be granted temporary residence.

The fact that expulsion is the police's main instrument in their work with irregular migrants also seems to affect other professions, such as the health services, in their encounter with persons without legal residence. Among those who report to have been concerned that a person without legal residence is being exploited by their employer or has been exposed to violence or sexual abuse, only very few have alerted other agencies. A concern that some of these respondents report is that their patient might risk deportation. The challenge here is that the absence of national legislation and instructions that provide protection against deportation, in combination with active repatriation policies, make it challenging for healthcare personnel to provide help. As a result, public service employees who encounter persons without legal residence are left largely to their own devices in dealing with vulnerable persons and possible victims of crime.

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